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Intergovernmental negotiating committee to prepare a global legally binding instrument on mercury
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Work to prepare for the entry into force of the Minamata Convention on Mercury and for the first meeting of the Conference of the Parties to the Convention: matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting

Information document prepared by the Executive Director of the United Nations Environment Programme on options and related governance arrangements under the Programme as the host institution of the specific international programme

Note by the secretariat

1. At its meeting held in Sao Paulo, Brazil, from 26 to 29 October 2015, the ad hoc working group of experts established by the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury at its sixth session identified and discussed a number of key principles and characteristics for the selection of a host institution for the specific international programme to support capacity-building and technical assistance (UNEP(DTIE)/Hg/INC.7/9). Informed by these principles and characteristics, and after an extensive discussion of the programme's potential scope, activities, eligibility and institutional arrangements, the expert group arrived at a shared understanding that UNEP would be the most suitable host institution for the specific international programme. In the context of UNEP, the experts considered a number of possible hosting arrangements under the UNEP umbrella.

2. Against that background, and to inform the discussions at the seventh session of the committee, the expert group invited the Executive Director of UNEP to prepare an information document on the options, as listed in the document entitled "Options for hosting institutions for the specific international programme and any necessary information available on arrangements with the hosting institutions" prepared for the expert group meeting by the interim secretariat, and related governance arrangements under UNEP as the host institution that could best serve the specific international programme based on the key principles and characteristics identified and discussed by the experts. The expert group further invited the Executive Director of UNEP to take into account the experts' shared understanding regarding the guidance on the operation of the programme, and to include in the document information on how each arrangement could contribute to achieving the objective of the specific international programme. Accordingly, the Executive Director has prepared an information document, which is set out in the annex to the present note.

* UNEP(DTIE)/Hg/INC.7/1.

Annex

Information document prepared by the Executive Director of the United Nations Environment Programme on options and related governance arrangements under the Programme as the host institution of the specific international programme

1. At its meeting held in Sao Paulo, Brazil, from 26 to 29 October 2015, the ad hoc working group of experts established by the intergovernmental negotiating committee at its sixth session, after extensive discussions, arrived at a shared understanding that the United Nations Environment Programme (UNEP) would be the most suitable host institution for the specific international programme to support capacity-building and technical assistance. Under the UNEP umbrella, the expert group considered several possible hosting arrangements outlined in the document entitled "Options for hosting institutions for the specific international programme and any necessary information available on arrangements with the hosting institutions" prepared for the expert group meeting by the interim secretariat.

2. Upon the invitation of the expert group, in order to inform the discussions of the committee at its seventh session and based on the guidance of the expert group, three options for the hosting of the specific international programme are presented in the present document, namely:

(a) Hosting by the Chemicals and Waste Branch of the UNEP Division of Technology, Industry and Economics;

(b) Hosting by the Secretariat of the Minamata Convention on Mercury;

(c) Hosting by the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.

3. These three options and the related governance arrangements are considered on the basis of the key principles and characteristics identified and discussed by the experts for the selection of a host institution, taking into account the experts' shared understanding regarding the guidance on the operation of the programme and including information regarding how each arrangement would contribute to achieving the objective of the specific international programme.

4. Regarding programme support costs, the fee charged by UNEP, including the secretariat of the Basel, Rotterdam and Stockholm conventions, to host and administer trust funds is 13 per cent of the expenditure of the trust fund. A lower rate has been negotiated, however, for certain trust funds. In terms of accountability, the accounts and financial management of the trust funds hosted by UNEP, including those of the Basel, Rotterdam and Stockholm conventions, are subject to the general internal and external audit process of the United Nations.

5. It should be noted that the present information document does not provide an extensive analysis of staffing costs, since these are likely to be similar for each of the three options and would vary depending on the scope and size of the specific international programme and the duties the secretariat is tasked with.

I. Hosting by the Chemicals and Waste Branch of the UNEP Division of Technology, Industry and Economics

6. Through its Chemicals and Waste Branch, based in Geneva and located in the Division of Technology, Industry and Economics, UNEP conducts work to address global chemicals and waste issues, including mercury. The Branch hosts a range of international programmes, secretariats, initiatives and partnerships, such as the secretariats of the Strategic Approach to International Chemicals Management, including the Quick Start Programme; the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach; the Global Alliance to Eliminate Lead Paint; the UNEP Global Mercury Partnership; and the secretariat that serviced the negotiations process to prepare a global legally binding instrument on mercury, now the interim secretariat of the Minamata Convention until the first meeting of the Conference of the Parties to the Convention. Through these secretariats, the Chemicals and Waste Branch has conducted a wide range

of activities and projects, which together constitute a comprehensive approach to addressing global mercury pollution.

7. Within the Chemicals and Waste Branch, the UNEP Global Mercury Partnership and the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach would be of particular relevance to the specific international programme.

8. The UNEP Global Mercury Partnership was initiated in 2005 by a decision of the UNEP Governing Council and consists of stakeholders from Governments, industry, intergovernmental organizations, non-governmental organizations and academia, all of whom are dedicated to protecting human health and the environment from the impacts of mercury, and to reducing global environmental releases of mercury. As of November 2015, the Partnership comprised 134 partners: 26 Governments, 5 intergovernmental organizations, 55 non-governmental organizations and 48 others. The Partnership has played an important role in catalysing global action on mercury and offering information, capacity-building and awareness-raising in support of international negotiations to establish a legally binding instrument on mercury. Today, the Partnership is focusing its work on ensuring the timely and effective implementation of the Minamata Convention and supports activities in eight partnership areas that reflect the major source of mercury release categories.[1] More specifically, partners cooperate voluntarily to reduce the environmental and health risk of mercury by working in three main areas:

(a) Intentional use of mercury, in artisanal and small-scale gold mining; chlor-alkali processes; products; supply and storage; and waste management;

(b) Unintentional emission, in coal combustion and cement production;

(c) Fate and transport research.

9. Since its establishment, the Partnership has implemented demonstration projects, provided technical support and capacity-building, and developed guidance documents and toolkits as well as awareness-raising materials that help Governments take immediate action to reduce mercury pollution, for instance with the development of the *Practical Sourcebook on Mercury Waste Storage and Disposal*, practical guides for reducing mercury use in artisanal and small-scale gold mining and a guidance document on national action plans for artisanal and small-scale gold mining. The Global Mercury Partnership has also engaged with several industry sectors whose activities generate a considerable share of global mercury emissions, including the coal industry, the cement industry and the chlor-alkali industry. Moreover, the Partnership has been active in collecting information and providing analyses on the state of global mercury pollution using the *Toolkit for Identification and Quantification of Mercury Releases*. The data collected have formed the basis of the *Global Mercury Assessment* reports, a series of benchmark publications on global mercury pollution.

10. The secretariat of the Special Programme, which was adopted by the United Nations Environment Assembly at its first session, in June 2014, is another secretariat of particular relevance to the specific international programme. It is also hosted within the Chemicals and Waste Branch. Through the Special Programme, financial support will be provided to developing countries and countries with economies in transition to enhance their sustainable institutional capacity to develop, adopt, monitor and enforce policy, legislation and regulation and to gain access to financial and other resources for effective frameworks for the implementation of legally binding chemicals and waste conventions, including the Minamata Convention.

11. Should the Chemicals and Waste Branch be selected as the entity to host the specific international programme, the Branch would be able to support the programme with its scientific and technical expertise on mercury. The programme would be able to draw on the Branch's experience in engaging with a large number of government and non-governmental stakeholders in addressing a wide range of mercury issues, and to benefit from its significant experience in soliciting and managing funds for chemicals-related activities. As is highlighted above, it could benefit from the close relationship with, and linkages of, the UNEP Global Mercury Partnership and its activities linked to the Minamata Convention, as well as its technical capacity, expertise and experience, and its broad range of contributors. The programme could also benefit from the financial and administrative structures put in place for the operation of the Special Programme and its trust fund. Depending on the types of projects supported by the specific international programme, there may also be opportunities for structural and programmatic co-benefits and complementarities.

[1] www.unep.org/chemicalsandwaste/Mercury/GlobalMercuryPartnership/PrioritiesforAction/tabid/4487/Default.aspx.

12. In terms of human resources, the Branch could draw on its internal administrative and other substantial resources, although additional staff would probably be required to support the operation of the programme. Staffing needs would, of course, vary depending on the tasks required and would have to be assessed on that basis.

II. Hosting by the secretariat of the Minamata Convention

13. The secretariat of the Minamata Convention represents another option within UNEP for hosting the specific international programme. When considering this option, a number of different avenues are currently being discussed with regard to how the Executive Director of UNEP would perform the functions of the permanent secretariat of the Convention and these should be kept in mind. These include the option of a merger of the Minamata Convention secretariat with the secretariat of the Basel, Rotterdam and Stockholm conventions and that of utilizing the interim secretariat.

14. In hosting the specific international programme, the secretariat of the Minamata Convention would build on the experience of the interim secretariat and the mercury programme, which jointly have more than 10 years of experience in delivering services and distributing funds to support activities of parties, particularly through the small grants programme and other activities. The secretariat's tasks are set out in Article 24 of the Convention and include providing support to meetings of parties; facilitating assistance, on request, to parties in the implementation of the Convention; coordinating activities with the secretariats of relevant international bodies; assisting with information exchange related to the implementation of the Convention; reporting on implementation of and compliance with the Convention as well as on other requirements of the Convention; entering into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and performing other functions as specified in the Convention and such other functions as may be determined by the Conference of the Parties to the Minamata Convention. To that end, it is expected that a voluntary trust fund will be established under UNEP to process voluntary contributions towards the Minamata Convention process.

15. Once established, the secretariat of the Minamata Convention will be governed by the Conference of the Parties to the Convention. Should the secretariat of the Convention be selected as the host for the specific international programme, day-to-day tasks, including the management of the specific international programme, would be carried out by the secretariat staff. The trust fund set up for the secretariat and the arrangements for its administration could also be used to administer the funds of the specific international programme. In addition, the network established between the secretariat and Governments, intergovernmental and non-governmental organizations and other entities would be a useful resource for the specific international programme. Lastly, the specific international programme could benefit from the expertise of the secretariat.

16. As in other cases, depending on the functions to be undertaken by the hosting institution for the specific international programme, recruitment of additional staff may be necessary.

III. Hosting by the secretariat of the Basel, Rotterdam and Stockholm conventions

17. The secretariat of the Basel, Rotterdam and Stockholm conventions is another option that exists within UNEP for hosting the specific international programme. Such hosting could occur in different contexts, depending on a decision of the Conference of the Parties to the Minamata Convention with regard to the permanent secretariat of the Convention as mentioned above.

18. The secretariat of the Basel, Rotterdam and Stockholm conventions has experience in managing trust funds established by the Executive Director of UNEP that receive voluntary contributions to fund the activities of the programmes of work of the three conventions. These trust funds have been operational for the past decade under the Rotterdam and Stockholm conventions and for over two decades under the Basel Convention.

19. Among its activities, the secretariat of the Basel, Rotterdam and Stockholm conventions services, when relevant in a synergistic manner, the meetings of the governing bodies of the three conventions. It also provides, or facilitates the provision of, technical assistance to parties for the implementation of the conventions on the basis of its joint technical assistance programme, including through the Basel and Stockholm convention regional centres. This includes the operation of a small grants programme, which involves the implementation of activities through the regional centres that are aligned with the programmes of work of the conventions. In addition, the secretariat manages contributions to the Basel Convention technical cooperation trust fund aimed at supporting parties in cases of emergency and compensation for damage resulting from incidents arising from transboundary

movements of hazardous wastes and their disposal, as well as parties concerned by a submission to the Basel Convention Implementation and Compliance Committee that may benefit from the implementation fund.

20. On the substantive side, the secretariat has expertise on the issue of mercury wastes, in particular through the Basel Convention's technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury. Furthermore, and in line with the "synergies decisions" adopted by the conferences of the parties to the three conventions in 2010, the secretariat has gained considerable experience in, and established structures for, coordinating activities with other multilateral environmental agreements and other relevant international bodies, such as the Global Environment Facility, thus facilitating information exchange and the dissemination of best practices and lessons learned across the chemicals and waste cluster.

21. Should the secretariat of the Basel, Rotterdam and Stockholm conventions be selected as the host for the specific international programme, the latter could benefit from the secretariat's structures for and experience in trust fund administration, and from its long-standing experience in servicing intergovernmental meetings, in providing technical assistance to parties, including through its network of regional centres, and in helping parties to implement compliance action plans, as well as from its technical expertise on mercury wastes in particular. The secretariat also has the capacity to enter into the administrative and contractual arrangements necessary to fulfil its functions. The mandate to host the specific international programme within the secretariat would require specific decisions to be adopted by the respective conferences of the parties to the three conventions at their meetings in 2017.